

Notice of Allowability

Application No.

09/656,685

Applicant(s)

PAULY, MARTIN

Examiner

Qamrun Nahar

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 7/1/04.
2. ☒ The allowed claim(s) is/are 1-3,6,7,9,14 and 15.
3. ☒ The drawings filed on 01 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

COMMENT

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S ~~AMENDMENT~~ or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's ~~Amendment~~ / Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This action is in response to the amendment filed on 7/1/04.
2. The rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement to claims 2-3 is withdrawn in view of applicant's amendments.
3. The rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement to claims 2-3 is withdrawn in view of applicant's amendments.
4. The rejection under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling to claims 1-3, 6-7, 9 and 14-15 is withdrawn in view of applicant's amendments.
5. The rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention to claims 1-3, 6-7, 9 and 14-15 is withdrawn in view of applicant's amendments.
6. Claims 1-3, 7 and 14 have been amended.
7. Claims 1-3, 6-7, 9 and 14-15 are pending.
8. Claims 1-3, 6-7, 9 and 14-15 are allowed.

Oath/Declaration

9. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

That is, 37 CFR 1.56 has to be stated in the oath or declaration, not only part of it.

REASONS FOR ALLOWANCE

10. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, a third state, the third state including the first state and the second state, the first state being parallel to and simultaneously active with the second state when the third state is active, wherein the first state is ordered with respect to the second state, whereby the statechart does not allow parallel states to be unordered to ensure the deterministic behavior of the statechart as substantially recited in independent claims 1, 7 and 14.

The closest cited prior art, Marmelstein (U.S. 5,187,788) teaches a statechart system for use in the development of avionic software as substantially recited in independent claims 1, 7 and 14. However, Marmelstein (U.S. 5,187,788) fails to teach a third state, the third state including the first state and the second state, the first state being parallel to and simultaneously active with the second state when the third state is active, wherein the first state is ordered with respect to the second state, whereby the statechart does not allow parallel states to be unordered to ensure the deterministic behavior of the statechart as substantially recited in independent claims 1, 7 and 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

11. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699 *if calling before October 28, 2004*; otherwise *if calling on or after October 28, 2004*, then the telephone number is (571)272-3730. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qamrun Nahar
August 30, 2004

Kakali Chaki

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER